

1 Andrew C. Lauersdorf, WSBA #35418
E-mail: acl@mlrlegalteam.com
2 Janis C. Puracal, WSBA #39234
E-mail: jcp@mlrlegalteam.com
MALONEY LAUERSDORF REINER, PC
3 1111 E. Burnside St., Ste. 300
Portland, OR 97214
4 Telephone: (503) 245-1518
Facsimile: (503) 245-1417
5 Attorneys for Plaintiff Perienne de Jaray

6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 PERIENNE DE JARAY,

11 Plaintiff,

12 v.

13 ATTORNEY GENERAL OF CANADA
14 FOR HER MAJESTY THE QUEEN,
CANADIAN BORDER SERVICES
15 AGENCY, GLOBAL AFFAIRS CANADA
fka DEPARTMENT OF FOREIGN
16 AFFAIRS AND INTERNATIONAL
TRADE CANADA, GEORGE WEBB,
17 KEVIN VARGA, and PATRICK LISKA,

18 Defendants.

No.: 2:16-cv-00571

DECLARATION OF PERIENNE DE
JARAY IN SUPPORT OF PLAINTIFF'S
MOTION FOR LEAVE TO SEEK
DISCOVERY

19 I, Perienne de Jaray, hereby declare as follows:

20 1. I am the Plaintiff in this case. I have personal knowledge of the
21 following facts.

22 2. Attached as Exhibit 1 is a true and correct copy of a Report of
23 Interview with Bob Rodgers, which was disclosed by the Government of Canada
24 in the criminal proceedings against me.

25 3. Attached as Exhibit 2 is a true and correct copy of a Report of
26 Interview with Randy Wood, which was disclosed by the Government of Canada

1 in the criminal proceedings against me.

2 4. I have information that the Defendants in this case were contacting
3 Apex employees at the Ferndale, Washington facility since at least 2009.

4 5. On October 3, 2016, I spoke with Holly Swartos, my former
5 Executive Assistant from Apex-Micro America, Inc. in Ferndale, Washington.
6 Ms. Swartos told me that she recalls that Canadian investigators were dropping
7 off business cards and meeting with U.S.-based employees of Apex. Ms.
8 Swartos said that Canadian investigators contacted her on multiple occasions
9 at the Ferndale facility to ask about my location and find out if Ms. Swartos
10 was aware of any suspicious activity or shipments. Canadian investigators
11 even offered to meet with Ms. Swartos at her convenience in the United States.
12 Ms. Swartos told me that employees at Apex in Ferndale were scared about any
13 kind of association and the environment at Apex became uncomfortable once
14 investigators started contacting employees and suggesting that I (and the
15 company) were involved in suspicious activity. Ms. Swartos said that the
16 Canadian investigators were really planting seeds of doubt in all the American
17 employees throughout this process. Ms. Swartos said that she watched
18 business decline almost instantly, and she recalls the drastic change in
19 staffing, production, and all aspects of the supply chain. Ms. Swartos
20 specifically remembers calling me after getting a call in the U.S.—at her desk in
21 Ferndale—from a CBSA investigator. She said that she was concerned, and
22 was looking for me to direct her in how to handle it and what to do. Ms.
23 Swartos informed me that the name Kevin Varga was familiar. Ms. Swartos
24 also specifically remembers taking multiple calls from CBSA investigators while
25 at her desk in Ferndale, and the investigators wanted her to meet with them if
26 she “knew anything” and to assist them in what she felt was an investigation.

1 Ms. Swartos said that the investigators offered to meet at her convenience in
2 the U.S., and she began to screen all calls a lot heavier from that point forward.
3 She also remembers a specific instance during which she had to stay at the
4 office late to contact our supply chain in China, and she received a call after-
5 hours from CBSA investigators. Ms. Swartos said that there were not many
6 people around when the investigators called, and it was very unsettling for her
7 as she recalls the investigator being fairly aggressive and insistent.

8 6. On September 10, 2016, I spoke with Murray Erickson, a former
9 robotics production manager at Apex-Micro America, Inc. Mr. Erickson told me
10 that he recalls a CBSA investigator attempting to contact him while he was
11 living and working in Washington State. Mr. Erickson also remembers getting
12 a call proposing a meeting in the United States. Given the rumors and the
13 developing general fear in the company, he started avoiding all unknown
14 phone numbers to prevent any more harassment. Mr. Erickson also said that
15 he heard that Canadian investigators were contacting many of his U.S.-based
16 co-workers and asking questions about me, the business, and whether his co-
17 workers were aware of any suspicious activity. He said the questions were
18 suggesting devious activity. Mr. Erickson said that he remembers watching me
19 disengage from co-workers and friends, as everyone started looking to me for
20 answers about why CBSA investigators were contacting them all here in the
21 United States, and why they were asking questions suggesting illegal activity.
22 He said that he watched me struggle mentally, emotionally, and physically as
23 the business fell apart and as customers pulled their business after the effects
24 rippled through every which way.

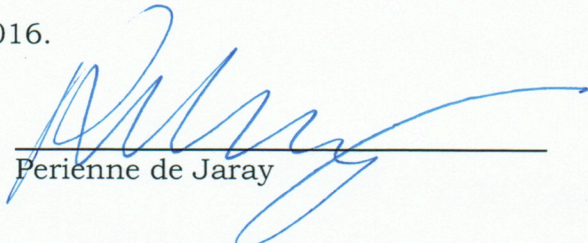
25 7. On October 6, 2016, I spoke with Chris Baker, a former manager
26 at Apex-Micro America, Inc. Mr. Baker said that he remembers being

1 contacted by Canadian investigators while he was living in the United States.
2 He said that he believes the name Kevin Varga is familiar. Mr. Baker
3 remembers receiving a call from a CBSA investigator proposing a meeting near
4 the Apex facility in Ferndale, Washington, at his convenience. Mr. Baker
5 remembers hearing American employees talk about the CBSA investigators and
6 how investigators were contacting them to let them know that they could be of
7 help to an investigation. He heard that investigators were telling employees to
8 keep an eye out in the U.S. if they ever saw something unusual or suspicious
9 and to report the activity to them (CBSA investigators). Canadian investigators
10 were warning the employees not to speak to others about their investigation in
11 the United States. He specifically remembers talking to Holly Swartos and
12 trying to comfort her after she received some phone calls at her desk in
13 Ferndale from CBSA investigators who asked some very unsettling questions
14 about suspicious activity.

15 8. Ms. Swartos, Mr. Erickson, and Mr. Baker each told me that they
16 would be willing to testify in this case.

17 I declare under penalty of perjury under the laws of the United States
18 that the foregoing is true and correct to the best of my knowledge, information,
19 and belief.

20 DATED this 13th day of October, 2016.

21
22 
23 Perienne de Jaray
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